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*Kristina L. Konstas*  
(Signature of person mailing)  
Kristina L. Konstas

(Typed or printed name of person)



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IN RE APPLICATION OF: YUHPYNG L. CHEN :

Examiner: Jones, D.

APPLICATION NO.: 09/580,791 :

Group Art Unit: 1614

FILING DATE: May 30, 2000 :

TITLE: CORTICOTROPIN RELEASING :  
FACTOR ANTAGONISTS

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ORIGINALLY FILED**

Commissioner for Patents  
Washington, D.C. 20231

**Communication in Response to September 27, 2001 Office Action**

Sir:

This Communication is submitted in response to the Office Action issued by the United States Patent and Trademark Office on September 27, 2001 in connection with the above-identified patent application. A response to the September 27, 2001 Office Action was originally due one month from the mailing date thereof, i.e. by October 27, 2001. Applicant is filing herewith a Petition requesting a five month extension of time for responding to the September 27, 2001 Office Action, whereby the due date for responding to said Office Action will be extended to March 27, 2002. The fee for the five month extension of time is authorized in said Petition. Accordingly, this Communication is being filed.

Claims 1-28 are pending in the subject application.

In the September 27, 2001 Office Action, the Examiner stated that the claims of the subject application should be restricted to one of the following groups: I. Claims 1-14, directed to a method of use; II. Claims 15 and 16, directed to compounds; III. Claims 17-22, directed to a method of use; IV. Claims 23-28, directed to compounds.

The Examiner asserted that the claims in each of the aforementioned Groups are directed to distinct inventions. According to the Examiner, the claims of Group I and Group II are related as product and process of use. The Examiner stated that the process for using the product claimed in the claims of Group II can be practiced with another materially different product such as Prozac.

The Examiner further asserted that the claims of Groups I and II, III, IV are unrelated. In this respect, the Examiner asserted that the compounds claimed in the claims of Group IV are structurally different from the compounds claimed in the claims of Group I. The Examiner further asserted that the methods of use claimed in the claims of Group III are different than the uses claimed in the claims of Group II. The Examiner also furthermore stated that the claims of Group IV are allegedly separate and distinct from the claims of Groups II and III since the methods claimed in the claims of Groups II and III could supposedly be practiced with another materially different product, such as with the compounds claimed in the claims of Group I.

Based on the Examiner's reasons for the requirement for restriction as described in the preceding paragraphs, it appears as if the Examiner's Group I, claims 1-14 are actually directed to compounds (not a method of use), and that the claims of the Examiner's Group II, claims 15 and 16 are directed to a method of use (not to compounds). Clarification is requested.

Regardless, the Examiner stated that restriction for Examination purposes in the instant case is proper.

In response, applicant elects Group I, claims 1-14, which are directed to compounds and pharmaceutical compositions. Applicant traverses the restriction between Groups I and II. Typically, the U.S. Patent Office permits an applicant to claim a method of use along with claims directed to compounds for that use. Based on this, it is respectfully requested that the Examiner reconsider, and withdraw the restriction requirement between Groups I and II.

The Examiner further stated that claims 1 and 2 are generic to a plurality of disclosed, allegedly patentably distinct species comprising supposedly various compounds represented by the variables of A, Y, B, and R<sub>1</sub>-R<sub>17</sub>. The Examiner stated that applicant is required to elect a single disclosed species, even if such requirement for election is traversed. The Examiner then went on to state that claims 14-18 are also generic to a plurality of disclosed, supposedly patentable distinct species and that applicant is required to elect a single disclosed disorder.

The Examiner's statements with respect to claims 21 and 27 are moot in view Applicant's election of Group I. In response, applicant elects, with traverse, the title compound of Example 180, on page 100, of the subject application, namely 4-(1-ethyl-propoxy)-3,6-dimethyl-pyridin-2-yl]-(2,4,6-trimethyl-phenyl)-amine. Applicant further elects, with traverse, the disorder "depression". Applicant's traversal is because applicant should not be required to limit her invention to a single compound and a single disorder. Instead, applicant respectfully requests that the Examiner should follow the procedure set

forth in the M.P.E.P. whereby an Examiner agrees to examine additional species should the elected species be deemed allowable.

Should a telephone interview be of assistance in advancing the prosecution of the subject application, the Examiner is kindly invited to telephone applicant's undersigned attorney at the number provided.

No fee, other than the fee for the five month extension of time, payment of which is authorized in the Petition filed herewith, is believed necessary in connection with filing this Communication. However, if any other fee is determined necessary in connection with filing this Communication, such additional fee may be charged to Deposit Account No. 16-1445.

Respectfully submitted,

Date: March 27, 2002

Kristina L. Konstas  
Kristina L. Konstas  
Attorney for Applicant(s)  
Reg. No. 37,864

Pfizer, Inc  
Patent Department, 5th Floor  
150 East 42nd Street  
New York, NY 10017-5612  
(212) 733-6380